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8 Attorneys for Defendant
CHARTWELL STAFFING SERVICES, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 DEMETRIC DI-AZ, OWEN DIAZ, and)
13 LAMAR PATTERSON)

14 Plaintiffs,)

15 v.)

16 TESLA INC. dba TESLA MOTORS,)
17 INC.; CITISTAFF SOLUTIONS, INC.;)
18 WEST VALLEY STAFFING GROUP;)
CHARTWELL STAFFING SERVICES,)
INC., and DOES 1-10,)

19 Defendants.

CASE NO. 3:17-cv-06748

**JOINT STIPULATION FOR
BINDING ARBITRATION AND
STAY OF CLAIMS**

Complaint filed: October 16, 2017

20 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff
21 Lamar Patterson ("Patterson") and Defendants Tesla Inc., dba Tesla Motors, Inc.,
22 and Chartwell Staffing Services, Inc. as follows:

23 **WHEREAS**, Plaintiffs filed a complaint in this matter on October 16, 2017
24 ("Complaint") within the Superior Court of the State of California, County of
25 Alameda alleging the following eleven causes of action, all of which he contends
26 arose out of his employment: (1) Race Discrimination, harassment, retaliation,
27 failure to prevent discrimination and harassment, constructive and wrongful
28 termination (42 U.S.C. section 1981) (against Tesla and Chartwell); (2) Race

Discrimination (Unruh Civil Rights Act) (against Tesla); (3) Interference with Constitutional Rights (Bane Act) (against Tesla and Chartwell); (4) Racial Harassment (FEHA) (against Tesla and Chartwell); (5) Race Discrimination (FEHA) (against Tesla and Chartwell); (6) Retaliation (FEHA) (against Tesla and Chartwell); (7) Failure to Prevent Discrimination and Harassment (FEHA) (against Tesla and Chartwell); (8) Negligent Infliction of Emotional Distress (against Tesla and Chartwell); (9) Intentional Infliction of Emotional Distress (against Tesla and Chartwell); (10) Negligent Hiring Retention and Supervision (against Tesla and Chartwell); and (11) Constructive Discharge in violation of public policy (against Tesla and Chartwell);

WHEREAS, Defendant Tesla, Inc. dba Tesla Motors, Inc. answered and removed the case from the Superior Court of California, County of Alameda to the United States District Court, Northern District of California;

WHEREAS, Defendant Chartwell Staffing Services, Inc. filed a Motion to Compel Arbitration on January 16, 2018 with a hearing set for February 21, 2018.

IT IS HEREBY STIPULATED AND AGREED as follows:

- 1) The parties stipulate to submit all of Patterson's claims to final and binding arbitration before JAMS pursuant to the terms in the Chartwell Staffing Services, Inc. Arbitration Agreement;
- 2) The parties agree to arbitrate this matter through JAMS in San Francisco, California; rather than in Orange County, California, as stated in the Chartwell Staffing Services, Inc. Arbitration Agreement.
- 3) The parties agree that the arbitrator would have the power to decide to award Plaintiff with any statutory remedies available to him under applicable law, including attorney fees and costs, and that such a right would not be limited in any way by the Chartwell Staffing Services, Inc.

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Arbitration Agreement provision stating that, "Parties shall each bear their own costs...and fees...". By making this stipulation, Defendants do not intend to and do not alter or revoke the class, collective or representative action waiver contained in the Chartwell Staffing Services, Inc. Arbitration Agreement.

- 4) The parties further stipulate that the United States District Court, Northern District of California, shall retain jurisdiction of this matter and that all deadlines, hearings and court proceedings as to Mr. Patterson shall be stayed pending a completed arbitration.

Dated: February 6, 2018

CALIFORNIA CIVIL RIGHTS LAW GROUP

By: /s/ Navruz Avloni
Lawrence Organ
Navruz Avloni
Attorneys for Plaintiffs,
DEMETRIC DI-AZ,
OWEN DIAZ and LAMAR
PATTERSON

Dated: February 6, 2018

GORDON & REES LLP

By: /s/ Megan Hayati
Roger M. Mansukhani
Craig Nickerson
Megan Hayati
Brittney R. Dobbins
Attorneys for Defendant,
CHARTWELL STAFFING
SERVICES, INC.

1 Dated: February 6, 2018

CONSTANGY, BROOKS, SMITH &
PROPHETE

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4 By: /s/ Barbara I. Antonucci
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Attorneys for Defendant
5 TESLA INC. dba TESLA
6 MOTORS, INC
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